

# SENATE BILL No. 244

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-19.5.

**Synopsis:** Health care professional registry. Requires the professional licensing agency to create and maintain a health care professional registry for health care professionals who meet certain qualifications.

**Effective:** July 1, 2014.

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**Miller Patricia**

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January 9, 2014, read first time and referred to Committee on Health and Provider Services.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 244

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-19.5 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 3 2014]:
- 4 **ARTICLE 19.5. HEALTH CARE PROFESSIONALS**
- 5 **REGISTRY**
- 6 **Chapter 1. Definitions**
- 7 **Sec. 1. As used in this article, "agency" refers to the Indiana**
- 8 **professional licensing agency established by IC 25-1-5-3.**
- 9 **Sec. 2. As used in this article, "qualified" refers to the**
- 10 **designation given to a health care professional who:**
- 11 **(1) satisfies the requirements:**
- 12 **(A) of this article; and**
- 13 **(B) to provide services under the federal Medicare**
- 14 **program (42 U.S.C. 1395 et seq.) or Medicaid program**
- 15 **(IC 12-15); and**
- 16 **(2) provides services that may be reimbursable under either**



1 program described in subdivision (1)(B).

2 Sec. 3. As used in this article, "registered qualified health care  
3 professional" refers to a qualified health care professional who is  
4 registered under this article.

5 Chapter 2. Registry Requirements

6 Sec. 1. (a) In accordance with IC 25-1-5.5, the agency shall  
7 create and maintain a health care professional registry of all  
8 registered qualified health care professionals who meet the  
9 requirements set forth in subsection (b).

10 (b) Except as provided in subsection (d), the agency shall  
11 register any individual who meets the following:

12 (1) Is qualified to provide lawful services in a medical setting,  
13 including:

14 (A) a hospital, including a critical access hospital;

15 (B) a nursing facility;

16 (C) a comprehensive outpatient rehabilitation facility;

17 (D) a home health setting; and

18 (E) a hospice program setting.

19 (2) Unless otherwise allowed under this article, is subject to  
20 any of the following federal laws and regulations promulgated  
21 by the federal Centers for Medicare and Medicaid Services:

22 (A) 42 U.S.C. 1302.

23 (B) 42 U.S.C. 1395hh.

24 (C) 42 U.S.C. Chapter 35.

25 (D) 42 CFR Chapter IV et seq.

26 (3) Is trained as a health care professional that is otherwise  
27 not licensed, certified, or registered by Indiana.

28 (4) Electronically applies for registration in a manner  
29 prescribed by the agency.

30 (5) Submits documentation to demonstrate the individual  
31 meets the requirements described in this subsection and is  
32 qualified for purposes of this article in the individual's health  
33 care profession. An individual shall provide any relevant  
34 documentation requested by the agency to meet the  
35 requirements described in this subdivision.

36 (6) Swears or affirms under penalty of perjury that the  
37 registered qualified health care professional's representations  
38 and information provided to the agency under this section are  
39 true.

40 (7) Pays the fee set by the agency.

41 (c) The agency may audit documents submitted by an individual  
42 under this subsection and request additional documentation from



1 an individual at the time of application or at any time while the  
2 health care professional is registered under this article.

3 (d) An applicant for registration under this article may not have  
4 had a business, professional, or occupational license or permit  
5 revoked or suspended by a board, commission, or committee in any  
6 jurisdiction.

7 Sec. 2. The agency shall renew a registration of a qualified  
8 health care professional who continues to actively practice as a  
9 qualified health care professional only if the renewal applicant  
10 meets the following conditions:

11 (1) Seeks registration renewal not more than ninety (90) days  
12 before the expiration of the registration.

13 (2) Pays the renewal fee set by the agency.

14 (3) Maintains the registration requirements set forth in this  
15 chapter for the individual's health profession.

16 Sec. 3. This article does not eliminate the requirement that a  
17 person must enroll in Medicaid in order to participate as a  
18 Medicaid provider in the Medicaid program.

#### 19 Chapter 3. Expiration of Registration

20 Sec. 1. A registered qualified health care professional who fails  
21 to renew the individual's registration under this article for a period  
22 of not more than five (5) years after registration expiration may  
23 renew the registration at any time within the five (5) years after the  
24 registration expiration by:

25 (1) electronically applying to the agency for renewal of the  
26 registration;

27 (2) paying the biennial renewal fee and the restoration fee set  
28 by the agency; and

29 (3) providing documentation that meets all the requirements  
30 set forth in this article for an initial registration.

31 Sec. 2. (a) A registered qualified health care professional who  
32 fails to renew the individual's registration under this article within  
33 five (5) years after registration expiration and seeks registration  
34 must:

35 (1) apply to the agency as an applicant in the same manner as  
36 an individual seeking initial registration under this article;  
37 and

38 (2) meet all the requirements set forth in this article for an  
39 initial registration.

40 (b) The agency may not restore an expired registration for a  
41 qualified health care professional if the individual's registration  
42 expired more than five (5) years from the date the individual seeks



1 restoration.

2 **Chapter 4. Unlawful Practice**

3 **Sec. 1. (a) An individual may not use the prefix "registered**  
4 **qualified" or "qualified" on any title designation sign, care, or**  
5 **device indicating that the individual is a registered qualified health**  
6 **care professional unless the individual is registered with the agency**  
7 **under this article.**

8 **(b) An individual may not:**

9 **(1) present as the individual's own another person's**  
10 **registration;**

11 **(2) make any false statement or representation or make a**  
12 **material omission of fact of any kind in obtaining a**  
13 **registration;**

14 **(3) impersonate any other registered qualified health care**  
15 **professional; or**

16 **(4) use an expired, suspended, or revoked registration.**

17 **An individual who recklessly, knowingly, or intentionally violates**  
18 **this section commits a Class B misdemeanor.**

19 **Sec. 2. This article does not prohibit a person from practicing as**  
20 **a health care professional if the individual does not use a title or**  
21 **designation under this chapter.**

22 **Sec. 3. (a) An individual who is registered under this article is no**  
23 **longer qualified for purposes of this article and must notify the**  
24 **agency to be removed from the registry if a civil judgment is**  
25 **entered against a registered qualified health care professional by**  
26 **a court with jurisdiction in a civil judicial proceeding for**  
27 **negligence, recklessness, willful misconduct, or other breach of a**  
28 **standard of care of a practice.**

29 **(b) The registered qualified health care professional shall,**  
30 **within a reasonable time established by the agency, request the**  
31 **agency to remove the individual's name from the electronic**  
32 **registry maintained under this article. Upon receipt of the request,**  
33 **the agency shall remove the individual's name from the registry.**

